

Application No. 10/772,070  
Reply to Office Action of December 13, 2006

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**FEB 27 2007**

Docket No.: 60/23(72012)

**REMARKS**

In the Office Action dated December 13, 2006, claims 1-8 are pending, claims 1 and 8 are withdrawn, and claims 2-7 are rejected. Reconsideration is requested, at least for the reasons discussed herein.

The above amendments are submitted to more particularly point out and distinctly claim the subject matter regarded as invention. No new matter is added. Support for the amendments can be found throughout the application as originally filed. See particularly Fig. 1 and the description at pages 10-11.

Objection is made to the drawings as containing reference number 16 while failing to mention the reference number in the specification. The above amendment to the specification renders this objection moot. The specification also adds a notation to reference number 8 at page 11, which is consistent with the use of reference number 8 in Examples 2-6 at pages 16-17.

Objection is made to Claim 1 regarding misspelling of the term "reactor." Because Claim 1 is withdrawn from consideration, the spelling correction is made in Claim 2, which is being examined.

Claims 2-7 are rejected under 35 U.S.C. §112, second paragraph. The claims have been amended to overcome this rejection.

Claims 2-4 are rejected under 35 U.S.C. §102(b) over Kamiwano et al. (JP 11-047572; "Kamiwano"). Kamiwano discloses a system very different from the presently claimed invention. In Kamiwano, the dissolved components from reactor vessel 1 are discharged into a blasting vessel 22 where a "blasting nozzle and a blasting aperture, a collision plate and enclosure 25" are formed, into which exhaust nozzles 24 discharge [0022]. See also figure 2. The dissolved materials then are fed into a further vessel 27 where separation occurs.

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In the present invention, the forming of particles and separation from the supercritical or subcritical fluid occurs upon discharge of from the jet mechanism into the open chamber. There is no "blasting nozzle and a blasting aperture, a collision plate and enclosure 25" as taught by Kamiwano. Discharge into an open chamber is contrary to discharging into a collision plate.

Thus, it is not seen how the present invention is anticipated by Kamiwano. Further, it is not seen how the present invention would have been obvious to one of ordinary skill in the art in view of Kamiwano.

Claims 5-7 are rejected under 35 U.S.C. §103(a) over Kamiwano et al. In view of Inoue (EP 0 526 699). Kamiwano is discussed above. The Examiner admits that Kamiwano is silent as to the developer material carrier being rotatable. Inoue is cited to make up for the deficiencies in Kamiwano.

Inoue discloses a dispersing and grinding apparatus. The Inoue relates to apparatus that uses dispersing, grinding media such as balls, beads, etc. [col. 1, lines 5-10]. It is well known to use such dispersing grinding media to finely disperse particles in a fluid. In Inoue, the dispersing media does not flow out of the basket into the tank [col. 2, lines 20-25]. However, the present invention dissolves a resin in a subcritical or supercritical fluid; no grinding media is utilized. It is not seen how the disclosure of Inoue is relevant to the present invention. It is respectfully submitted that one of ordinary skill in the art would not look to Inoue for developing a method for dissolving a resin in a subcritical or supercritical fluid. It is not seen how one of ordinary skill in the art would combine the teachings of Kamiwano with Inoue. Further, even if one of ordinary skill in the art were to combine the teachings, it is not seen what combination would result or how the present invention would result.

Inoue is totally silent on use of subcritical or supercritical fluid. Inoue fails to teach or suggest dissolving developer components in a subcritical or supercritical fluid

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and, then, ejecting the fluid with dissolved components under pressure into an open chamber to form particles.

Because neither Inoue, nor, Kamiwano, nor their combination teach or suggest dissolving developer components in a subcritical or supercritical fluid and, then, ejecting the fluid with dissolved components under pressure into an open chamber to form particles, it is not seen how the present invention would have been obvious in view of any combination of Kamiwano and Inoue.

In view of the discussion above, applicant believes the pending application is in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited.

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Respectfully submitted,

By 

George W. Nauner

Registration No.: 26,964

EDWARDS ANGELL PALMER & DODGE  
LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 517-5538

Attorneys/Agents For Applicant

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